

Notice of Allowability

Application No.

10/564,935

Examiner

Helene Klemanski

Applicant(s)

PATEL, PRAKASH

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment and terminal disclaimer filed September 27, 2006.
2. ☒ The allowed claim(s) is/are 1-33 and 35-40.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 9/27/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20061026.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Helene Klemanski

HELENE KLEMANSKI
PRIMARY EXAMINER
GROUP 1700

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on September 27, 2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any patent granted on Application No. 10/564,958 has been reviewed and is accepted. The terminal disclaimer has been recorded.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Paul N. Kokulis on October 25, 2006.

The application has been amended as follows:

In claim 27, the tenth line after the phthalocyanine nucleus formula, the term "optionally" has been inserted between the terms "phthalamide" and "in".

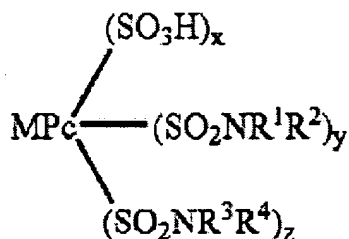
Also in claim 27, the eleventh line after the phthalocyanine nucleus formula, the phrase "(if required)" has been deleted.

In claim 28, the eleventh line after the phthalocyanine nucleus formula, the term "optionally" has been inserted between the terms "phthalamide" and "in".

Also in claim 28, the eleventh line after the phthalocyanine nucleus formula, the phrase "(if required)" has been deleted.

REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance: This application teaches a composition comprising (a) a major dye component which is a mixture of phthalocyanine dyes of the formula



wherein M is Cu or Ni; Pc represents a phthalocyanine nucleus; R^1 and R^2 independently are H or methyl; R^3 is H or optionally substituted hydrocarbyl; R^4 is optionally substituted hydrocarbyl; or R^3 and R^4 together with the nitrogen atom to which they are attached represent an optionally substituted aliphatic or aromatic ring system; x is 0.1 to 3.8; y is 0.1 to 3.8; z is 0.1 to 3.8; the sum of (x+y+z) is 4 and the substituents, represented by x, y and z, are attached to a β -position on the phthalocyanine ring and (b) a liquid medium which comprises water, water and an organic solvent or an organic solvent free from water. The closest prior of record is EP 1239010 which teaches a similar phthalocyanine dye of the formula as claimed by applicants having the substituents randomly distributed between the α - and β -position ring positions but fails to teach or fairly suggest phthalocyanine dyes having 4 substituents only in the β -position as claimed by applicants. Applicants have provided evidence in the specification that the phthalocyanine dye of the instant claims provides improved light fastness and ozone fastness as compared to the phthalocyanine dye of EP 1239010

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(see the tables on pages 19 and 20 of the specification). Accordingly, applicants showing of unobviousness and unexpected results have overcome the 103(a) rejection over EP 1239010 and the application is allowable.

Applicants should note that the examiner has cited U.S. Patent Application Publication No's. 20060156951, 20060057309, 20060201384, 20060201385 and 20060162615, however, no rejections have been made over these references since none of them teach or fairly suggest a composition comprising a mixture of phthalocyanine dyes of the formula as claimed by applicants.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene Klemanski whose telephone number is (571) 272-1370. The examiner can normally be reached on Monday-Friday 5:30-2:00.

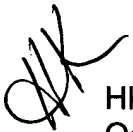
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Helene Klemanski
Primary Examiner
Art Unit 1755



HK
October 26, 2006